

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.)
)
ANTHONY H. GRIFFIN,)
)
)
Defendant.)

8:07CR378

ORDER

This matter is before the court on the government's motion to continue trial [43]. The court finds that the trial must be continued because a necessary and essential witness is unavailable on the scheduled trial date. Considering defense counsel's scheduling conflicts,

IT IS ORDERED that the motion [43] is granted, as follows:

1. The trial of this matter is continued to **March 11, 2008**.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **January 16, 2008 and March 11, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, due to the unavailability of an essential witness. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED January 4, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge